

NOV 23 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

SCOTT M. BOGER,

Petitioner,

v.

WARDEN S.K. YOUNG,

Respondent.

)
) Civil Action No. 7:10cv00175
)
)

) **FINAL ORDER**
)
)

) By: Samuel G. Wilson
) United States District Judge
)

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that respondent's Motion to Dismiss is **GRANTED**, petitioner's petition is **DISMISSED**, and this action is **STRICKEN** from the court's docket.

The court finds that the petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. §2253(c)(1) and **DENIES** a certificate of appealability.

ENTER: November 23, 2010.

[Signature]

UNITED STATES DISTRICT JUDGE